

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANR 10-04 Relating to an aquaculture plan

SPONSOR(S): Agriculture & Natural Resources Policy Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Agriculture & Natural Resources Policy Committee		Deslatte	Reese
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill repeals subsection (8) of s. 379.2523, F.S., which requires the Fish and Wildlife Conservation Commission (FWCC) to provide assistance to the Department of Agriculture and Consumer Services (DACS) in the development of an aquaculture plan for the state.

The bill has no fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Aquaculture is defined as the cultivation of aquatic organisms¹. Aquaculture products are defined as aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions². In Florida, commercial aquaculture consists mainly of the following:

- Tropical ornamental fish and invertebrates
- Marine ornamental species and live rock
- Molluscs, including clams, oysters, scallops, and mussels
- Marine and freshwater crustaceans
- Alligators
- Food fish, including catfish, tilapia, and sturgeon
- Gamefish fingerlings, including largemouth bass, bream, and catfish
- Triploid grass carp, turtles, snails, and frogs

The Florida Legislature enacted the Florida Aquaculture Policy Act (Chapter 597, F.S.) for the purpose of enhancing the growth of aquaculture while protecting the environment. Under the Act, DACS is responsible for coordinating research and development and providing assistance to persons in the industry. In 1999, the Division of Aquaculture was created to help meet the objectives of the Act.

DACS finalized the Florida Aquaculture Plan in consultation with industry, research institutions, and federal, state, and local agencies. It is considered the blueprint for developing aquaculture in the state, and is intended to assure effective and nonduplicative efforts to expand aquaculture development and prioritize research and funding needs. The Plan provides an analysis of industry status and identifies technical, production, economic, and market related challenges that must be solved to insure continued growth and expansion. The Act also directs DACS to annually revise the Florida Aquaculture Plan.

FWCC has constitutional and statutory authority powers over terrestrial, freshwater, and marine fish and wildlife. For commercial aquaculture, the FWC "maintains lists of prohibited and conditional restricted nonnative aquatic species, prohibits the commercial sale of products derived from certain game fish, issues a Special Activity License for broodstock collection, and operates marine and freshwater hatcheries for fish and shellfish stock enhancement." Under s. 379.2523 (8), F.S., the FWC is directed to assist DACS in the development of a state Aquaculture Plan.

¹ Section 597.0015, F.S.

² *Id*

The Aquaculture Interagency Coordinating Council (AICC) was created by the Aquaculture Policy Act to encourage the development of Florida aquaculture by establishing positive interagency cooperation. The AICC consists of several state agencies including DACS, FWCC, the Department of Environmental Protection, the Department of Community Affairs, and the Office of Trade, Tourism and Economic Development. The AICC also consists of several universities that have regulatory, research, extension, or economic development responsibilities affecting commercial aquaculturalists. The AICC is a forum for the discussion of governmental aquaculture regulations and the formulation of policy alternatives to facilitate aquaculture development.

Effect of Proposed Changes

The bill repeals subsection (8) of s. 379.2523, F.S., which requires the FWCC to provide assistance to the DACS in the development of an aquaculture plan for the state. Since a state plan has been developed, this subsection is no longer necessary.

B. SECTION DIRECTORY:

Section 1. Repeals subsection (8) of s. 379.2523, F.S.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to FWCC's analysis, the repeal of s. 379.2523 (8), F.S., will be beneficial because the statute will be simplified. FWCC and DACS will continue to cooperate and coordinate efforts under statutory direction and through the AICC.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES